

110<sup>th</sup> Congress

1<sup>st</sup> Session

H. RES. \_\_\_\_

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Providing for further consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

August 1, 2007

Mr. McGovern., from the Committee on Rules, reported the following resolution which was referred to the House Calendar and ordered to be printed.

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RESOLUTION

Providing for further consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes.

*Resolved*, That during further consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, the bill shall be considered as read. No further debate on any pending amendment shall be in order. A further period of general debate shall be confined to the bill and shall not exceed 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The amendments printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Notwithstanding clause 11 of rule XVIII, no further amendment shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. After a motion that the Committee rise has been rejected on a legislative day, the Chair may entertain another such motion on that day only if offered by the chairman of the Committee on Appropriations or the Majority Leader or a designee. After a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the bill.

Providing for further consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes.

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August 1, 2007. --Referred to the House Calendar and ordered to be printed

Mr. McGovern, from the Committee on Rules

submitted the following

REPORT

[To accompany H. Res. \_\_\_\_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_\_, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of the bill (H.R. 3161) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2008, and for other purposes, under a structured rule. The rule provides that the bill shall be considered as read and that no further debate on any pending amendment shall be in order. The rule provides for further general debate not to exceed 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule provides that the amendments printed in part A of the Rules Committee report shall be considered as adopted in the House and in the Committee of the Whole. No further amendment shall be in order except those printed in part B of the Rules Committee report. The rule provides that each amendment printed in part B of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against such amendments except for clauses 9 and 10 of Rule XXI. The rule provides one motion to recommit with or without instructions.

The rule further provides that after the motion that the Committee rise has been rejected on a legislative day, the chair may entertain another such motion on that day only if offered by the Chairman of the Committee on Appropriations or the Majority Leader. It also provides that after a motion to strike out the enacting words of the bill has been rejected, the Chair may not entertain another such motion during further consideration of the bill.

## COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

### Rules Committee Record Vote No. 287

**Date:** August 1, 2007

**Measure:** H.R.

**Motion By:** McGovern

**Summary of Motion:** To report the rule.

**Results:** Adopted 8-4

#### Vote by Member:

|               |     |
|---------------|-----|
| MCGOVERN      | YEA |
| HASTINGS (FL) | YEA |
| MATSUI        | YEA |
| CARDOZA       | YEA |
| WELCH         |     |
| CASTOR        | YEA |
| ARCURI        | YEA |
| SUTTON        | YEA |
| DREIER        | NAY |
| DIAZ-BALART   | NAY |
| HASTINGS (WA) | NAY |
| SESSIONS      | NAY |
| SLAUGHTER     | YEA |

## **Summary of amendments to be considered as adopted**

Amends bill language on drug re-importation (section 726) to clarify definition of “prescription drug”.

Strikes and replaces provisions in the bill (section 738) restricting use of funds for activities related to slaughter of horses, to retain prohibition on activities that allow slaughter of horses for human consumption but eliminate other prohibitions that could affect international transportation of horses, animal health activities, etc.

Amends bill language prohibiting use of funds to authorize “qualified health claims” on conventional foods (section 746) to clarify that the prohibition applies specifically to the Food and Drug Administration.

Adds limitation to effectively eliminate three West Virginia earmarks from the committee report accompanying the bill.

Adds language prohibiting use of funds to terminate or consolidate certain Food and Drug Administration field laboratories or District Offices or District Office inspection or compliance functions.

Adds language prohibiting use of funds to purchase light bulbs that do not have “ENERGY STAR” or Federal Energy Management Program” designations.

## Summary of amendments to be made in order

1. Sessions. Strikes language from the bill prohibiting use of funds by the USDA Chief Financial Officer for “competitive sourcing” activities until the Secretary of Agriculture submits a report on the Department’s contracting out policies and budget. 10 minutes
2. Price (GA). Reduces funds provided in the bill for the Agricultural Research Service by \$54,823,000. 10 minutes
3. Hensarling. Reduces funds provided in the bill for rural community facilities programs by \$6,287,000. 10 minutes
4. Hensarling. Reduces funds provided in the bill for grants to finance broadband transmission in rural areas by \$8,910,000. 10 minutes
5. Kingston. Strikes provision from the bill (section 726) relating to importation of prescription drugs. 10 minutes
6. Kingston. Adds language prohibiting use of funds to apply labor standards under the Davis-Bacon Act to contracts for construction of renewable energy systems. 10 minutes
7. Jordan. Reduces all discretionary appropriations in the bill by 5.5 percent. 10 minutes
8. Flake. Prohibits use of funds for an earmark contained in the committee report for the Catfish Pathogen Genomic Project in Auburn, AL. 10 minutes
9. Flake. Prohibits use of funds for an earmark contained in the committee report for grape genetics research in Geneva, NY. 10 minutes
10. Flake. Prohibits use of funds for an earmark contained in the committee report for the Alternative Uses of Tobacco (MD) grant. 10 minutes
11. Flake. Prohibits use of funds for an earmark contained in the committee report for the Ruminant Nutrition Consortium (MT, ND, SD, WY) grant. 10 minutes
12. Flake. Prohibits use of funds for an earmark contained in the committee report for the Wood Utilization (OR, MS, NC, MN, ME, MI, ID, TN, AK, WV) grant. 10 minutes

## **Part A**

### **Text of Amendments to be Considered as Adopted**

**AMENDMENT TO H.R. 3161, AS REPORTED**  
**OFFERED BY MRS. EMERSON OF MISSOURI**  
**(Agriculture Appropriations, 2008)**

In section 726 of the bill, insert “(as defined in section 804(a)(3) of such Act)” after “pharmacists from importing a prescription drug”.

In section 726 of the bill, insert “of such Act” before the period at the end.

**AMENDMENT TO H.R. 3161, AS REPORTED  
OFFERED BY MR. SPRATT OF SOUTH CAROLINA**

Strike section 738 and insert the following new sec-

tion:

- 1        SEC. 738. None of the funds made available in this  
2 Act may be used to pay the salaries or expenses of per-  
3 sonnel to—
- 4            (1) inspect horses under section 3 of the Fed-  
5        eral Meat Inspection Act (21 U.S.C. 603);
- 6            (2) inspect horses under section 903 of the  
7        Federal Agriculture Improvement and Reform Act of  
8        1996 (7 U.S.C. 1901 note; Public Law 104-127); or
- 9            (3) implement or enforce section 352.19 of title  
10        9, Code of Federal Regulations.



**AMENDMENT TO H.R. 3161, AS REPORTED  
OFFERED BY MR. WAXMAN OF CALIFORNIA  
(Agriculture Appropriations, 2008)**

Section 746 of the bill is amended to read as follows:

- 1 SEC. 746. No funds in this Act for the Food and
- 2 Drug Administration may be used to authorize qualified
- 3 health claims for conventional foods.

**AMENDMENT TO H.R. 3161, AS REPORTED,  
OFFERED BY MR. MOLLOHAN OF WEST VIRGINIA**

At the end of the bill (before the short title), insert  
the following:

- 1        SEC. \_\_\_\_\_. None of the funds in this Act shall be
- 2 available for the Canaan Valley Institute (CVI) in Thom-
- 3 as, West Virginia.

**AMENDMENT TO H.R. 3161, AS REPORTED  
OFFERED BY MR. STUPAK OF MICHIGAN**

At the end of the bill (before the short title), insert  
the following:

1     SEC. \_\_\_\_\_. None of the funds made available in this  
2 Act may be used—

3           (1) to terminate any of the 13 field laboratories  
4     that are operated by the Food and Drug Adminis-  
5     tration as of January 1, 2007, or 20 District Of-  
6     fices, or any of the inspection or compliance func-  
7     tions of any of the 20 District Offices, of the Food  
8     and Drug Administration functioning as of January  
9     1, 2007; or

10          (2) to consolidate any such laboratory with any  
11     other laboratory, or any such District Office, or any  
12     of the inspection or compliance functions of any Dis-  
13     trict Office, with any other District Office.

~~AMENDMENT TO H.R. 3161, AS REPORTED  
OFFERED BY: MR. UPTON OF MICHIGAN, MS.  
HARMAN OF CALIFORNIA, MR. LIPINSKI OF  
ILLINOIS, AND MR. INGLIS OF SOUTH CARO  
LINA~~

AMENDMENT NO. 21

At the end of the bill (before the short title), insert  
the following:

- 1 SEC. \_\_\_\_ . None of the funds made available in this
- 2 Act may be used to purchase light bulbs unless the light
- 3 bulbs have the "ENERGY STAR" or "Federal Energy
- 4 Management Program" designation.

*Frederic Upton*

## **Part B**

**Text of amendments to be made in order**

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Sessions OF Texas,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.

~~AMENDMENT TO H.R. 3161, AS REPORTED~~

~~OFFERED BY: MR. SESSIONS OF TEXAS~~

AMENDMENT No. 1

Page 3, line 9, strike “: *Provided*” and all that follows through “budgets for contracting out”.

*[Signature]*  
~~SESSIONS~~  
~~TX-32~~

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Price OF Georgia,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.



~~AMENDMENT TO H.R. 3161, AS REPORTED~~  
~~OFFERED BY MR. PRICE OF GEORGIA~~



~~AMENDMENT No.~~ 40

Page 9, line 5, after the dollar amount, insert "(reduced by \$54,823,000)".

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Hensarling OF Texas,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.

Deb Hensarling

~~the~~

~~AMENDMENT TO H.R. 3161, AS REPORTED~~

~~OFFERED BY: MR. HENSARLING (TX)~~

Page 33, line 16, after the first dollar amount, insert "(reduced by \$6,287,000)".

Page 33, line 17, after the first dollar amount, insert "(reduced by \$6,287,000)".

AMENDMENT No 28

~~REAR~~

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Pen Sar ling OF Texas,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.

~~Feb Hensarling~~

~~AMENDMENT TO H.R. 3161, AS REPORTED~~

~~OFFERED BY MR. HENSARLING (TX)~~

Page 48, line 12, after the first dollar amount, insert "(reduced by \$8,910,000)".

~~brockhead~~

AMENDMENT NO. 27

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Kingston OF Georgia,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.

~~AMENDMENT TO H.R. 3161, AS REPORTED~~  
~~OFFERED BY MR. KINGSTON OF GEORGIA~~

AMENDMENT NO. 15

Strike section 726.

*Jack Kingston*

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Kingston OF Georgia,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.



~~AMENDMENT TO H.R. 3161, AS REPORTED~~  
~~OFFERED BY MR. KINGSTON OF GEORGIA~~

AMENDMENT No. 17

At the end of the bill (before the short title), insert  
the following:

1 TITLE VIII—ADDITIONAL GENERAL  
2 PROVISIONS

3 SEC. 801. None of the funds made available in this  
4 Act shall be used to pay the salaries or expenses of any  
5 employee of the Department of Agriculture who would re-  
6 quire contracts to construct renewable energy systems to  
7 be carried out in compliance with the provisions of the  
8 Davis-Bacon Act.

*Jack Kingston*

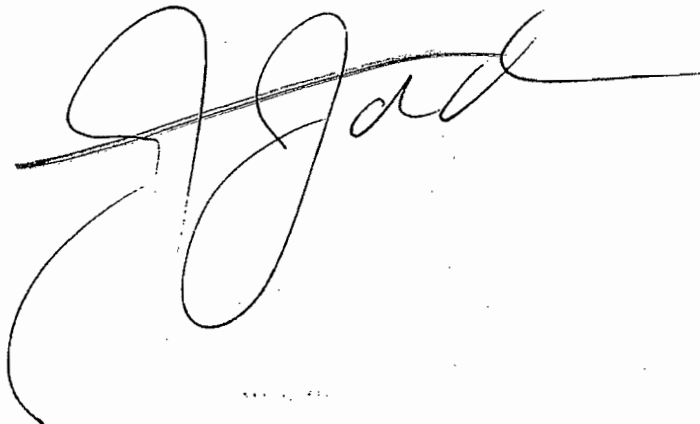
7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Jordan OF Ohio,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.

~~AMENDMENT TO H.R. 3161, AS REPORTED~~  
~~OFFERED BY MR. JORDAN OF OHIO~~

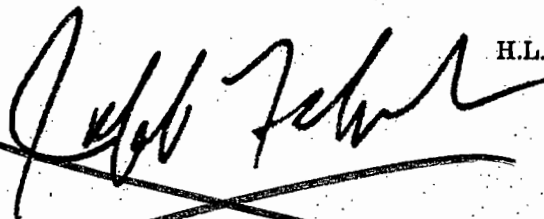
AMENDMENT NO. 101 At the end of the bill (before the short title), insert  
the following:

- 1 SEC. \_\_\_\_\_. Each amount appropriated or otherwise  
2 made available by this Act that is not required to be ap-  
3 propriated or otherwise made available by a provision of  
4 law is hereby reduced by ~~4.5~~ percent.

5.5

A large, stylized handwritten signature, possibly reading "J. Jordan", is written across the lower half of the page.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Flake OF Arizona,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.



~~AMENDMENT TO H.R. 3161, AS REPORTED~~  
~~OFFERED BY MR. FLAKE OF ARIZONA~~

AMENDMENT NO. 48

At the end of the bill (before the short title), insert  
the following:

1 SEC. \_\_\_\_\_. (a) LIMITATION ON USE OF FUNDS.—

2 None of the funds in this Act shall be available to the  
3 Auburn University for the Catfish Pathogen Genomic  
4 Project, Auburn, AL.

5 (b) CORRESPONDING REDUCTION OF FUNDS.—The  
6 amount otherwise provided by this Act for “Agricultural  
7 Research Service—Salaries and Expenses” is hereby re-  
8 duced by \$878,046.

4

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Flake OF Arizona,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.

~~AMENDMENT TO H.R. 3161, AS REPORTED~~  
~~OFFERED BY MR. FLAKE OF ARIZONA~~

AMENDMENT NO. 49

At the end of the bill (before the short title), insert  
the following:

- 1        SEC. \_\_\_\_\_. (a) LIMITATION ON USE OF FUNDS.—  
2        None of the funds in this Act shall be available to Cornell  
3        University for Grape Genetics research, Geneva, NY.  
4        (b) CORRESPONDING REDUCTION OF FUNDS.—The  
5        amount otherwise provided by this Act for “Agricultural  
6        Research Service—Salaries and Expenses” is hereby re-  
7        duced by \$628,843.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Flake OF Arizona,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.





~~AMENDMENT TO H.R. 3161, AS REPORTED~~

~~OFFERED BY: MR. FLAKE OF ARIZONA~~

AMENDMENT No. 51

At the end of the bill (before the short title), insert the following:

- 1 SEC. \_\_\_\_\_. (a) LIMITATION ON USE OF FUNDS.—
- 2 None of the funds in this Act shall be available for the
- 3 Alternative Uses for Tobacco, Maryland grant.
- 4 (b) CORRESPONDING REDUCTION OF FUNDS.—The
- 5 amount otherwise provided by this Act for “Cooperative
- 6 State Research, Education, and Extension Service—Re-
- 7 search and Education Activities” (and the amount speci-
- 8 fied under such heading for special grants for agricultural
- 9 research) are hereby reduced by \$400,000.

4

11 . AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Flake OF Arizona ,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.



~~AMENDMENT TO H.R. 3161, AS REPORTED~~  
~~OFFERED BY MR. FLAKE OF ARIZONA~~

~~AMENDMENT NO. 53~~ At the end of the bill (before the short title), insert  
the following:

- 1 SEC. \_\_\_\_\_. (a) LIMITATION ON USE OF FUNDS.—  
2 None of the funds in this Act shall be available for <sup>the</sup> Rumi-  
3 nant Nutrition Consortium (MT, ND, SD, WY) ~~x~~ grant.  
4 (b) CORRESPONDING REDUCTION OF FUNDS.—The  
5 amount otherwise provided by this Act for “Cooperative  
6 State Research, Education, and Extension Service—Re-  
7 search and Education Activities” (and the amount speci-  
8 fied under such heading for special grants for agricultural  
9 research) are hereby reduced by \$489,000.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
Flake OF Arizona,  
OR H is DESIGNEE, DEBATABLE FOR 10 MINUTES.

~~AMENDMENT TO H.R. 3161, AS REPORTED~~  
~~OFFERED BY MR. FLAKE OF ARIZONA~~

AMENDMENT NO. 54 At the end of the bill (before the short title), insert  
the following:

- 1 SEC. \_\_\_\_\_. (a) LIMITATION ON USE OF FUNDS.—  
2 None of the funds in this Act shall be available for <sup>the</sup> Wood  
3 Utilization (OR, MS, NC, MN, ME, MI, ID, TN, AK,  
4 WV) <sup>x</sup> grant.  
5 (b) CORRESPONDING REDUCTION OF FUNDS.—The  
6 amount otherwise provided by this Act for “Cooperative  
7 State Research, Education, and Extension Service—Re-  
8 search and Education Activities” (and the amount speci-  
9 fied under such heading for special grants for agricultural  
10 research) are hereby reduced by \$6,371,000.